

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

Dr. Michael Moates

Plaintiff

v.

STATE OF NORTH CAROLINA,

STATE OF TEXAS,

STATE OF VIRGINIA, AND

STATE OF NEVADA

Defendants

Case No.: 4:23-cv-00772

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT STATE OF NEVADA

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Dr. Michael Moates, Plaintiff in the above-entitled and numbered cause, and respectfully moves this Court for an Entry of Default against Defendant, State of Nevada, and in support thereof would show the following:

Service of Process: On August 3rd, 2023, Defendant, State of Nevada, was duly served with the Summons and Complaint in this matter. Pursuant to FRCP, a summons and complaint may be served by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.”

Under the TCRP, a summons may be served by “mailing to the defendant by registered or certified mail, return receipt requested, a copy of the citation and of the petition.” Rule 106 - Method of Service, Tex. R. Civ. P. 106

A true and correct copy of the Proof of Service is attached hereto as Exhibit A.

Time to Answer: More than 21 days have elapsed since Defendant was served with the Summons and Complaint, which is the time period prescribed by the Federal Rules of Civil Procedure for a defendant to answer or otherwise respond to a complaint.

Failure to Answer or Respond: To date, Defendant has neither answered nor otherwise responded to the Complaint, nor sought an extension of time to do so.

No Previous Default: No previous request for entry of default or default judgment has been made in this case.

WHEREFORE, Plaintiff respectfully requests that the Clerk of this Court enter a default against Defendant, State of Nevada, for its failure to answer or otherwise respond to the Complaint, and for such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on 29 August 2023, a true and correct copy of the foregoing Motion for Entry of Default was served on all counsel of record via certified mail.

Respectfully submitted,

/s/ Dr. Michael Moates

4501 Nautilus Circle #710

Fort Worth, Texas

254-966-2837

mike@cpmht.com

Exhibit A



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August 4, 2023

Dear Michael Moates:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 4298 0486 7780 81.

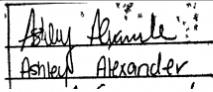
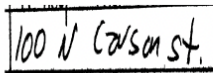
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	August 3, 2023, 9:58 am
Location:	CARSON CITY, NV 89701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic
Recipient Name:	State of Nevada

Shipment Details

Weight:	10.2oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Sincerely,
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